

DEATH PENALTY CASE

IN THE COURT OF CRIMINAL APPEALS FOR THE **FILED**
STATE OF OKLAHOMA

IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

DEATH PENALTY

RICHARD EUGENE GLOSSIP,

NOV - 9 2006

Appellant,

MICHAEL S. RICHIE
CLERK

v.

Case No. D-2005-310

STATE OF OKLAHOMA,

RECEIVED

Appellee.

NOV 13 2006

**SUPPLEMENTAL AUTHORITY
AFTER ORAL ARGUMENT**

Mull
Attorney General

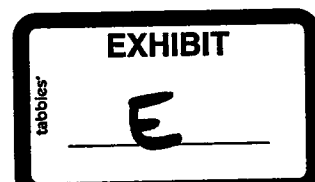
The following authorities are submitted on behalf of Richard Eugene Glossip in support of the propositions of error raised in his Brief of Appellant and addressed at his oral argument before this Court on October 31, 2006, to supplement the authority cited to the Court with cases and other authority that may assist the Court in the determination of issues on appeal.

PROPOSITION I

Pink v. State, 2004 OK CR 37, ¶¶21-24, 104 P.3d 584 (Court recognized OUJI-CR (2d) 9-32 (Supp.2000), which told jurors they "may" eliminate accomplice testimony and then examine remaining evidence to determine whether accomplice testimony is adequately corroborated, is not consistent with Oklahoma law. "Under Oklahoma law, jurors *must* be able to eliminate the testimony of an accomplice . . . and still be able to find some separate evidence that tends to connect the defendant with the commission of the charged offense." (Emphasis in original.) Court modified OUJI-CR (2d) 9-32 for use in all trials subsequent to opinion.)

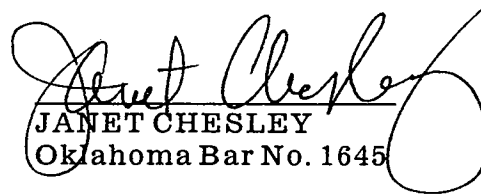
PROPOSITION III

Miller v. Mullin, 354 F.3d 1288, 1294-95 (10th Cir. 2004) (There is an inherent risk in the use of pedagogical devices during closing argument because they may unfairly emphasize part of the proponent's proof, create the impression that disputed facts have been conclusively established or that inferences have been directly proved.)



Respectfully Submitted,
RICHARD EUGENE GLOSSIP

By:


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Oklahoma Bar No. 1645

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COUNSEL FOR APPELLANT

CERTIFICATE OF SERVICE

This certifies that on this 9th day of November, 2006, a true and correct copy of the foregoing Supplemental Authority After Oral Argument was delivered to the Clerk of this Court with instructions to deliver said copy to the Office of the Attorney General of the State of Oklahoma.


JANET CHESLEY